

U.S. Application No. 10/684,747, filed October 14, 2003
Attorney Docket No. 14211US03
Amendment dated August 6, 2007
In Response to Office Action mailed April 4, 2007

REMARKS

Claims 11-42 are pending. Claims 11-18, 21-24, 27-34 and 37-40 were objected to. Claims 11-42 stand rejected.

By this Amendment, Applicant has amended claims 11-14, 16, 19, 22-24, 27-30, 32, 35 and 38-41 and cancelled, without prejudice, claims 21 and 37.

The Examiner has objected to the specification. In particular, the Examiner has requested an update as to the status of the patent applications cited in the specification. Applicant has amended the specification to update the status of the cited patent applications. It is respectfully requested that the objection be withdrawn with respect to the specification.

The Examiner has objected to claims 11-18, 21-24, 27-34 and 37-40 due to noted informalities. Applicant has amended some of the claims to correct the noted informalities. It is respectfully requested that the objection be withdrawn with respect to claims 11-18, 21-24, 27-34 and 37-40.

Claims 17, 25, 33 and 41 stand rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite. In particular, the Examiner alleges that “laptop computer” lacks connection or cooperation with any of the claimed subject matter. Applicant respectfully submits that the Examiner’s requirement of “connection or cooperation with any of the claimed subject matter” does not appear in 35 U.S.C. § 112, ¶ 2. 35 U.S.C. § 112, ¶ 2, states that “[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention”. Applicant respectfully submits that adding the element that “the device comprises a laptop computer” is not indefinite and is understood by one of ordinary skill in the art. It is therefore respectfully requested that the rejection under 35 U.S.C. § 112, ¶ 2, be withdrawn with respect to claims 17, 25, 33 and 41.

Claims 11-13 and 27-29 stand rejected on the ground of nonstatutory double patenting over claims 1 and 2 of U.S. Patent No. 6,697,415. A timely filed disclaimer is enclosed. It is respectfully requested that the rejection on the ground of nonstatutory double patenting be

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withdrawn with respect to claims 11-13 and 27-29.

Claims 11-15, 17-23, 25-31, 33-39, 41 and 42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,887,020 (“Smith”). Applicant respectfully traverses the rejection as set forth below.

In order to expedite prosecution and to further clarify the recited elements of the above-identified claims, Applicant has amended the pending independent claims.

For example, as amended, claim 11 recites “a wireless radio transceiver arranged to transmit with a first type of spread spectrum modulation and a second type of spread spectrum modulation and to receive with the first type of modulation and the second type of modulation”.

Smith does not describe at least these elements as set forth in claim 11.

In addition, the other independent claims have been amended to include the same or similar elements.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(a) based on Smith be withdrawn with respect to claims 11-15, 17-20, 22, 23, 25-31, 33-36, 38, 39, 41 and 42. Kindly note that claims 21 and 37 have been cancelled without prejudice.

Claims 16, 24, 32 and 40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Smith in view of U.S. Patent No. 5,131,019 (“Sheffer”). Applicant respectfully traverses the rejection as set forth below.

Sheffer does not make up for the above-discussed teaching deficiencies of Smith. Thus, the obviousness rejection cannot be maintained.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 16, 24, 32, and 40.

Applicant does not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization of recited claim elements. Furthermore, Applicant respectfully reserves the right to argue the characterization of the documents of record, either alone or in combination, to argue what is

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allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the pending claims 11-20, 22-36 and 38-42 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: August 6, 2007

Respectfully submitted,

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